

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Trayvon Smith,
Plaintiff

V.

Case No. _____

C.O. Hoff, Ms. Peterson, John Doe-1-4
of Officer's of the First Responder
team, Mr. Johnson, Dental (John Doe-3),
Defendant's.

COMPLAINT.

Comes Now, plaintiff, Trayvon Smith, proceeding, herein pro-se, pursuant to title 42 U.S.C. & 1983, with his complaint against the above named defendant's with Federal Claims raised herein.

PARTIES.

1. Plaintiff, Trayvon Smith, is a United States Citizen and adult resident of the state of Wisconsin and at all times relevant to this action housed at the Lincoln Hills School, located at: W 4380 Copper Lake, Ave., Irma, Wis. 54442, Now housed at WSPF, Boscobel, Wis. 53805.

2. Defendant's, C.O. Hoff, Ms. Peterson, John Doe, 1-4 (First Responders team), Mr. Johnson, Dental-5, is a United States Citizen and adult resident of the state of Wisconsin and at all times relevant to this action was employed by the state as staff member's at Lincoln Hills School, located at: W 4380 Copper Lake, Ave., Irma, Wis. 54442.

STATEMENT OF CLAIM.

3. Smith was revoked on 5-5-13, and was housed at Lincoln Hills, at all relevant times.
4. In June of 2013, Smith was in sent to Unit #6 called Miller.
5. In July of 2013 Smith was in Low Hall cell #5 with inmate Timothy McGee, and they were both called out for the last bathroom break at about 7:30pm.
6. Smith and McGee walked to the bathroom that was located next to the Sgt. Cage.
7. After entering the bathroom along with McGee they both used the bathroom and while washing there hands, there were about (6) inmates that entered the bathroom from the lower dayroom and just started attacking Smith and McGee.
8. One of the inmates swung ~~and~~ and hit Smith in the back while washing his hands, and when Smith turned around to defend himself the other inmates exited the bathroom.
9. C.O. Hoff was the first to respond to the attempted assault in the bathroom.
10. The YC3 Ms. Peterson was present during this time and witness the attempted assault by the (6) inmates.
11. Once Hoff got in the bathroom he pressed his alarm button to alert the first responders.
12. While Hoff was standing there he had his nose out telling Smith to get on the ground, and Smith got on the ground and complied, and Ms. Peterson stated "You're going to pay for this".
13. As the other officer's came to the Unit the C.O. Hoff started stomping on Smith's right backside of his leg and told him to keep still, but Smith wasn't moving.
14. Once the C.O.'s got Smith in the handcuff's and shackles, one C.O. stated what are you looking at?

then kicked Smith in the mouth ~~with his foot~~ several times.

15. The officer's continued to kick Smith in the mouth while attempting to get Smith off the floor, which caused Smith's lip to be split and face to be swollen, also because of being kicked in the knee Smith couldn't put pressure on his right knee.

16. Smith was then placed in a van and while being in the van being transported to the seg. Unit #11 "kroger" the officer punched Smith in the face and sat on top of him with his knee in him and placed gloves on and punched him in the back of the head about 7 or 8 times.

17. The same officer got Smith out of the van and strip searched him and gave him seg. clothes.

18. After receiving the clothes Smith asked if he could see medical and take a shower because Smith had ~~much~~ blood everywhere the same officer stated in your dreams and laughed.

19. Smith was kept in the same cell for about 7 days with no shower and/or change of clothes without any medical help, and denial of complaints so that he could file a complaint on the incident.

20. A white shirt was doing rounds and he notice that Smith was sleep and full of blood and bruises all over his body so he woke Smith up and opened the door and said what the hell happened to you?

21. The white shirt told Smith to come out and the white shirt notice all the injuries and the lip to Smith's walk due to the assault. And then sat Smith down asked him what happened then got to HSU get Smith Medical help.

22. While in the HSU room the white shirt told Smith he was being moved from Max. Seg. to Med. Seg. Unit #12.

23. Smith was kept in segregation for (16) days under investigation during this time Smith was forced medical after speaking to the ~~the~~ Sheriff's Dept. on Video/Audio they took Smith's statement and came to take another statement 2 weeks later. Then the Sheriff's Dept. did another interview.

24. ~~They~~ They told Smith he couldn't have ~~a~~ filed a complaint because there was a ongoing investigation.

25. Smith was forced ~~to~~ to write a HSU Slip for Dental service and once called up to the dental Smith refused medical attention (So that he could show someone on the street because he was about to go home) and the same officer that kicked Smith in the face on the way to seg. held Smith down along with officer Johnson, while the dental fixed the broken teeth the officer's had broken during the assault.

26. Smith an McGee was called up to speak with the white shirt that was bald headed w/blue eyes, and the white shirt explained them both that they couldn't file a complaint because the situation was still being investigated but everything would be ok and he promised he didn't have anything to worry about because he was going home soon.

27. While being in Racine on 2-4-16, some investigators came and spoke with Smith about the above incident (Assault) at Lincoln Hills, and they had photos to show Smith to see if Smith could identify any of them but Smith was denied to see ~~them~~ them because he was in segregation and the gang coordinator was with them which would not be private yet they assured Smith that they would be back, yet the next day Smith was transferred to WSPF and never seen anyone else.

28. Smith is certain that if he seen the staff he would be able to identify the staff members that assaulted him at ~~the~~ Lincoln Hills on July of 2013.

~~the~~

FIRST CONSTITUTIONAL CLAIM.

Incorporating paragraphs 12 thru 25 of the statements of the claim in the complaint, plaintiff alleges Defendant's Violated his 8th Amendment, excessive force. Hudson McMillian, 503 U.S. at 7.

SECOND CONSTITUTIONAL CLAIM.

Incorporating paragraphs 18 thru 19 of the statements of the claim in the complaint, plaintiff alleges Defendant's denied Smith Medical help which violated his 8th Amendment under Deliberate indifference. Estelle V. Gamble, 429 U.S. 97, 104, 97 S.Ct. 285 (1976).

REQUEST RELIEF.

1. Issue a award COMPENSATORY DAMAGES, against the Defendant's in the amount of Fifty Thousand (\$50,000) Dollars.
2. Issue a award Punitive Damages, against the Defendant's in the amount of Fifty Thousand (\$50,000) jointly and ~~and~~ severly, in the above amount of Dollars.
3. Presumed Damages.
4. Nominal Damages.
5. All claims are brought against the defendant's in their personal capacities.
6. Plaintiff demands a trial by jury on all matters triable,

Conclusion.

Wherefore, plaintiff respectfully pray this Honorable Court to Grant the request relief sought herein.

Respectfully Submitted,

I, declare under the penalty of perjury that all statements made herein are true and correct to the best of my personal knowledge.

Trayvon Smith
Trayvon Smith #578163, Affiant.

Dated this 9 day of JANUARY, 2017.

x Trayvon Smith
Trayvon Smith #578163
(WSPF) P.O. Box 9900
Boscobel, Wis. 53805

~~Prepared By:~~
Oscar Garner #441303
Prisoner to Prisoner
Legal Aid.

